

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA

JOE BENOIT MARTIN (AIS# 208789)  
Full name and prison number  
of plaintiff(s)

v.

ARNOLD HOLT, WARDEN III

CAPTAIN L. BOLLING

CHIEF STEWART, M.A. WARREN

STEWART II, LEON VARNER

C.O.I. LEON MOORE, ET AL.

Name of person(s) who violated  
your constitutional rights.  
(List the names of all the  
persons.)

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DEBRA P. HACKETT

U.S. DISTRICT COURT

MIDDLE DISTRICT

U.S. District Court

2:07-cv-00884-MEF

(To be supplied by Clerk of

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? YES ( ) NO (X)
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES (X) NO ( )
- C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) JOE BENOIT MARTIN

Defendant(s) LEON FORNISS ET AL.

2. Court (if federal court, name the district; if state court, name the county) MIDDLE NORTHERN

DISTRICT

3. Docket number 2:7-CV-335-MEF
4. Name of judge to whom case was assigned WALLACE CAPEL JR.
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) STILL PENDING
6. Approximate date of filing lawsuit APRIL 16, 2007
7. Approximate date of disposition \_\_\_\_\_

II. PLACE OF PRESENT CONFINEMENT KILBY CORRECTIONAL FACILITY

PLACE OF INSTITUTION WHERE INCIDENT OCCURRED \_\_\_\_\_  
KILBY CORRECTIONAL FACILITY

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

NAME

ADDRESS

1. WARDEN ARNOLD HOLT P.O. Box 150, Mt. Meigs, AL 36057
2. CAPTAIN L P.O. Box 150, Mt. Meigs, AL 36057
3. CHEIF STEWARD M.A. WARREN P.O. Box 150, Mt. Meigs, AL 36057
4. STEWARD LEON VARNER P.O. Box 150, Mt. Meigs, AL 36057
5. C.O.I. LEON MOORE P.O. Box 150, Mt. Meigs, AL 36057
6. \_\_\_\_\_

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED MAY 22, 2007  
UNTIL PRESENT (STILL ON GOING)

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: Cruel and Unusual Punishment

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

On May 10<sup>th</sup>, 2007, I went to the Kilby Correctional Facility Job Board. After showing my "No Standing Profile" and explaining my physical condition Captain Barrett put me in the Kitchen. On May 22<sup>nd</sup> I sent a "Request Slip" to Warden Arnold Holt about the pain I was... (Cont'd)

GROUND TWO: Failure to adhere to A.D.O.C. Rules and Regulations for an inmate with a disability.

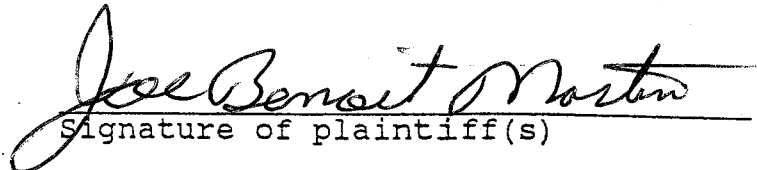
SUPPORTING FACTS: A.D.O.C. has specific rules regarding an inmates job when they have a "no standing profile" for more than twenty (20) minutes issued by prison health services, there medical provider. Maintaining these rules and regulations are an integral part of A.D.O.C. Rules and Regulations to a disabled inmate.

GROUND THREE: Pain and suffering and mental anguish.

SUPPORTING FACTS: Since May 11, 2007 until the present day, September 24, 2007 (and still on going), I have been subjected to breathing hot steam into my lungs, making it hard for me to breath due to my chronic-bronchitis. Also, I am made to stand on my feet for three (3) to four (4) hours without a break, violating my "no standing" profile. If I do not do my job as directed I will receive a disciplinary. I have to work in pain to keep my prison record clean. This is clearly pain and suffering, which cruel and unusual punishment.

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

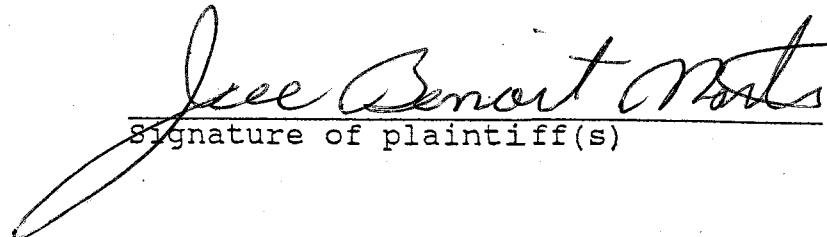
For the court to enjoin ADOC from retaliating against the plaintiff by coercion, transfer, or any other means. For the court to grant relief in the amount of \$5,000 per day.

  
Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on

September 28, 2007.  
(Date)

  
Signature of plaintiff(s)

(Ground One-Cont'd)

... having problems standing. He responded by denying my request. Also on May 22<sup>ND</sup>, 2007, in Chief Warren's office, where Mr. Warren, Leon Varner and Captain Bolling meet with me, Captain Bolling told me that I would never get out of the kitchen, and If I moved one inch my standing profile time would start over. This profile is for no standing over 20 minutes at a time.

On several ~~times~~ occasions I have complained to the Defendants that my job was causing me pain and that the heat was making it hard for me to breath, due to chronic bronchitis. On July 17, 2007, Leon Varner had C.O.I L. Moore threaten me with bodily harm (meaning that he would "bust my head") if I did not follow a direct order if I did not kill 20 flies. After standing for 3 hours without a break I was forced to kill these flies before I could take a break. Also on ~~Aug~~ July 24, C.O.I L. Moore again threaten me with bodily harm and after showing him my standing profile he said that he didn't "care about a damn profile", that I could not take a break until I cleaned all 24 tables... (Ground One Cont'd) →

(Ground One - Cont'd)

... On August 12<sup>th</sup>, 2007, I had C.O. I Gates to take me to medical so I could get something for pain.

Nurse hysykanycz took me to the Lt. Office and told

Lt. Clay that I was not to be standing but 20 minute at a time. On August 13, 2007, things got worst. On

August 14, 2007, I went to my mental health counselor,

Ms. Burrell, She called Captain Bolling into her office where I explained to him one more time about my profile and pain. This is still going on daily. I am in pain

7 day a week from working in the Kitchen standing.

If I do not do as I'm told I will be put in segregation and wrote a disciplinary. This is clearly a violation of my rights. Cruel and unusual punishment, forback by the United States

Constitution. [END OF Ground One]

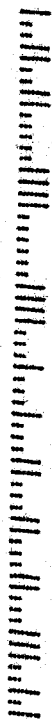
Joe Benoit Martin  
A1S#177817/G01032A  
P.O. Box 150  
Mt. Meigs, AL 36057

LEGAL MAIL

"This correspondence is forwarded from an Alabama State Prison. The contents have not been evaluated, and the Alabama Department of Corrections is not responsible for the substance or content of the enclosed communication."

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